

REMARKS

The following remarks are submitted in response to the Official Action of the Examiner mailed January 11, 2005. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has rejected claims 1-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,184, issued to Cogger et al (hereinafter referred to as "Cogger") in view of U.S. Patent No. 6,606,596, issued to Zirngibl et al (hereinafter referred to as "Zirngibl"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness and for basing his rejection on clearly erroneous findings of fact as discussed in detail below.

The Examiner's burden of proof for establishing a *prima facie* case of obviousness is found in MPEP 2143, which requires evidence of three factors: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements present in the alleged combination. The Examiner has simply not met his burden of proof and/or has done so by clearly erroneous findings of fact.

Specifically, with regard to motivation of the alleged combination of claim 1, the Examiner states:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Cogger with the teachings of Zirngibl, wherein the relational databases provided therein (see figs. 3A and 4) would incorporate the user of a legacy database system, in the same conventional manner as disclosed by Zirngibl (col. 14, lines 65-67 and col. 15, lines 1-45). The motivations (sic) being to have a facility to store the manipulated data in a database for later to be used (sic). (Emphasis added)

In other words, the Examiner finds motivation to combine Zirngibl with Cogger "to have a facility to store the manipulated data in a database" for later use. However, the Examiner has found (clearly erroneously as explained below) that Cogger alone has this claimed feature. The Examiner states at page 3 of his official action:

With respect to claim 1, Cogger teaches.....a facility responsively coupled to said legacy data base management system, which saves the current computational data as a table for later user (web server where the manipulated data are store (sic): see fig. 1 and fig. 2A, col. 6, lines 45-65).

As a result, even though the Examiner has found that Cogger has the claimed structure (i.e., the claimed facility....), he alleges motivation to combine with Zirngibl to add that very same structure again.

Furthermore, the reason given by the Examiner for the motivation, is not found in either Cogger or Zirngibl. In contravention of controlling law, the "facility to store the manipulated data" which the Examiner has found to be the reason to combine is only in Applicants' disclosure and claims.

Therefore, the Examiner's finding of motivation for the alleged combination is both clearly erroneous as a matter of fact and incorrect as a matter of law.

The most apparent failure to meet his burden under MPEP 2143 is with regard to the requirement to show all claimed elements within the alleged combination. Concerning his rejection of claim 1, for example, the Examiner states:

With respect to claim 1, Cogger teaches a user terminal coupled to said legacy data base management system....
(Emphasis added)

The Examiner himself contradicts this finding by stating:

Cogger does not explicitly teach legacy database management system....

Because Cogger does not have the "legacy data base management system, it cannot have the claimed "user terminal" coupled to the "legacy data base management system". Similarly, the Examiner finds:

.....a service request generated by said user terminal transferred to said legacy data base management system for honoring..... (emphasis added)

Again, this finding is clearly erroneous in view of the Examiner's correct finding that Cogger does not have a "legacy data base management system".

The Examiner continues his clearly erroneous findings of fact stating:

.....a facility responsively coupled to said legacy data base management system..... (emphasis added)

Cogger cannot possibly have the claimed "facility" coupled to the "legacy data base management system", because, as the Examiner admits, it has no "legacy data base management system".

Furthermore, the Examiner cites Cogger column 6, lines 45-65, in support of his finding of the claimed facility. The actual claimed language requires that this facility "saves the current computational data as a table for later use". The Examiner's citation, though discussing storage of "client software", says nothing of saving "current computational data" as required by the claim. Surely, one can distinguish between storing a computer program and storing "current computational data as a table".

Thus, of the three major claimed elements of claim 1, the alleged combination has none. The rejection of claim 1, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143 to present a *prima facie* case of obviousness.

Claim 2 depends from claim 1 and further limits the "facility" coupled to the "legacy data base management system". Because the alleged combination does not have the claimed "facility" of claim 2, it cannot possibly have the further limitations of claim 2. Furthermore, Cogger says nothing of the claimed "repository". The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and further limits the "service request" to comprise "a plurality of sequential text lines executable by said legacy data base management system". In making his rejection, the Examiner confusingly cites Zirngibl column 5, lines 55-67; column 6, lines 1-8; column 17, lines 35-58; and column 18, lines 1-28. These citations are confusing because they do not disclose the claimed "plurality of sequential text lines executable by said legacy data base management system", and because they have nothing to do with the claimed "service request" which they limit. The rejection of claim 3 is respectfully traversed.

Claims 4 and 5 depend from claim 3 and are limited to structure for generation of the claimed "service request". As established above, the alleged combination does not have the claimed "service request". Therefore, it cannot have the further limitations of claims 4 and 5. The rejections of claims 4 and 5 are respectfully traversed.

In rejecting claim 6, the Examiner makes the same clear errors of fact and law. Specifically, the Examiner admits that "Cogger does not explicitly teach legacy data base management system". Nevertheless, the Examiner finds that "Cogger teaches.....a plurality of remotely (sic) client workstation (sic) coupled with a legacy data management system.....". He further finds that Cogger has "a facility.....coupled to said

legacy data base management system for storing the computational state of said legacy data base management system....". These finds are clearly erroneous and specifically repudiated by the Examiner.

In addition, claim 6 is limited by "a legacy data base management system having an internal format different from XML". The Examiner largely ignores this claim element and further admits that the alleged combination does not have this limitation. Specifically, the Examiner states:

Cogger does not explicitly teach legacy database management system for honoring.

As if to find the limitation within Zirngibl, the Examiner states:

However, Zirngibl teaches relational database management system (RDBMS).....storing text files including XML and HTML format.....

Thus, instead of the claimed "legacy data base management system having an internal format different from XML", the Examiner finds that Zirngibl is specifically compatible with XML format.

The rejection of claim 6, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to meet any of his burdens under MPEP 2143 to present a *prima facie* case of obviousness.

Claim 7 depends from claim 6 and further limits the coupling network. Because the alleged combination cannot meet the

limitations of claim 6, it cannot possibly meet these further limitations.

Claim 8 depends from claim 7 and further limits the claimed "facility" by a "repository". The alleged combination has neither the claimed "facility" nor the claimed "repository". The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the "future use" for the stored "computational state". Because the alleged combination does not have this structure, the Examiner confusingly cites Cogger column 16, lines 30-42, which says nothing of storage of "computational state" and future use thereof. The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 8 and further limits the claimed "future use" for storage of the "computational state". Because the alleged combination does not have this limitation, the Examiner finds that Cogger shows:

(service requests for any of plurality of network services relating to any servers organization are sent to a single location: col. 16, lines 30-42).

Even if true, this finding is legally irrelevant, because it does not address Applicants' invention as specified in the claim. The rejection of claim 10 is respectfully traversed.

Claim 11 is an independent method claim. The Examiner repeats many of the errors noted above and further bases his rejection of claim 11 on yet additional erroneous grounds. For

example, he repeats the admission that Cogger does not have a "legacy data base management system" and yet finds a "service request" transferred to same.

In addition, the Examiner cites Cogger column 9, lines 46-52 to support his finding of "converting said service request". The only conversion shown herein by Cogger is translation of data rather than the claimed "conversion of a service request".

Cogger column 9, lines 28-29, states:

Any data returned from the Intranet application server 40 is translated back to client format..... (emphasis added)

Surely one can distinguish between the claimed "conversion of a service request" and the Cogger "translation of data".

Having found that Cogger has no "legacy data base management system", he somehow finds that the "commencing" step corresponds to the DMZ at column 10, lines 26-43. Quite apart from these mutual inconsistencies, the DMZ of Cogger specifically teaches against the storage of any data. Column 10, lines 32-34, states:

Since (sic) the DMZ Web server do not store customer data, there is a much smaller chance of any customer information being jeopardized in case of a security breach. (Emphasis added)

Having clearly erroneously found that the DMZ of Cogger performs the claimed computations, the Examiner finds storage of intermediate products at column 16, 30-42, of Cogger which discusses storage of computer programs rather than the claimed "interim computational state". The rejection of claim 11, and

all claims depending therefrom, is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

Claim 12 depends from claim 11 and further limits the claimed step of "storing the interim computational state". As explained above, the alleged combination does not have the claimed "storing" step. Therefore, it cannot have the further limitations of claim 12. Furthermore, Cogger column 11, lines 20-30, says nothing of the claimed "repository". The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and is further limited by "wherein said storing step is initiated from a screen". In making his rejection the Examiner simply cites Figs. 8-10 of Cogger. It is absolutely baffling why the Examiner finds that Figs. 8-10 have anything to do with the claimed "storing" step. Furthermore, it is not understood how Figs. 8-10 relate to the DMZ, which the Examiner has found to correspond to the claimed "commencing" step or to the alleged computer program storage cited by the Examiner relative to the "storing" step. The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the screen of the "storing" step with a screen specified "destination" for the "interim computational state" of the "storing" step. In making his rejection, the Examiner states:

{a plurality of data sources and destination files: see fig. 8-10).

Even if this statement were true, it is legally irrelevant. The claim is limited by "destination" for "storing" the "interim computational state" created by the "commencing" step. "A plurality of data sources and destination files" which are unrelated to the claimed "commencing" step and the claimed "storing" step is legally irrelevant, because it does not relate to Applicants' claimed invention. The rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and further limits the network which couples the claim elements. The alleged combination does not have these claim elements. Therefore, the alleged combination cannot have the claimed coupling. The rejection of claim 15 is respectfully traversed.

Claim 16 is an independent apparatus claim having "means-plus-function" limitations. Again, the Examiner admits that Cogger does not teach a "legacy database management system", yet finds that Cogger has the claimed "means for providing legacy data based management functions". Again, the Examiner cites Cogger column 9, lines 25-35, which mentions converting data, with the claimed "means for converting a service request". Again, the Examiner confuses the storage of computer programs cited at Cogger column 16, lines 30-42, with the claimed storage of "computational state". Again, the Examiner fails to provide a

coherent statement of motivation. Again, the Examiner fails to even mention "reasonable likelihood of success". Therefore, the rejection of claim 16, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143 to present a *prima facie* case of obviousness.

Claim 17 depends from claim 16 and further limits the "storing means". As explained above, the alleged combination does not have the claimed "storing means". Therefore, it cannot meet the further limitations of claim 17. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the "converting means". Again, the Examiner cites Cogger column 9, lines 25-35, which mentions translating "data" but says nothing of converting a "service request" as claimed. The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and further limits the coupling network. Because the alleged combination does not have the claimed elements coupled to the network, the alleged combination cannot contain the further limitations. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and further limits the claimed "storing means". Again, the Examiner responds by citing Cogger column 16, lines 30-42, which mentions storage of computer

programs but says nothing of storing the claimed "computational state". The rejection of claim 20 is respectfully traversed.

Claim 21 is an independent apparatus claim having a "user terminal" coupled to a "legacy data base management system" through a "converter", because the "user terminal generates a service request in accordance with a first protocol" and the "legacy data base management system" utilizes a "second protocol". The Examiner expressly admits that Cogger does not have the claimed "legacy data base management system". Though admitted only by omission, Zirngibl does not have the "legacy data base management system" which utilizes the claimed "second protocol". Therefore, the alleged combination does not even have the basic environment of the claimed invention.

As a result, the Examiner cites Cogger column 9, lines 25-35, which mentions translating data as if that were the same as the claimed converter to convert the service request. This finding is both clearly erroneous and legally irrelevant.

The rejection of claim 21, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

Claim 22 depends from claim 21 and is further limited by a "repository" which is not found in the alleged combination. The rejection of claim 22 is respectfully traversed.

Claim 23 depends from claim 22 and further limits the interconnecting network. As explained above, the alleged combination does not have the basic claimed environment. Therefore, the alleged combination cannot have these further limitations. The rejection of claim 23 is respectfully traversed.

Claims 24 and 25 each depend from claim 23 and further limit the claimed "future use". Any fair reading of these claims means "future use" of the "table" containing the stored information of the "computational state". Because the alleged combination has no such "table", the Examiner cites Figs. 1 and 2A, along with column 6, lines 45-65, of Cogger. These citation have nothing to do with the claimed invention. The rejections of claims 24 and 25 are respectfully traversed.

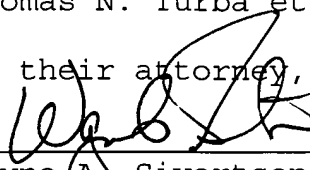
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to
Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,



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